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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/966,624	09/27/2001	Balakrishna Raghavendra Iyer	SVL920010077US1/2307P	4803

29141 7590 01/05/2004

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EXAMINER

AMSBURY, WAYNE P

ART UNIT	PAPER NUMBER
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2171

DATE MAILED: 01/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/966,624

Applicant(s)

IYER ET AL.

Examiner

Wayne Amsbury

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 September 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 September 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

CLAIMS 1-43 ARE PENDING

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-8 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 1 contains the phrase: "accessing ... by a browser without downloading software." It is clear from the Disclosure that "browser" is meant to imply an Internet browser that downloads web pages. Web pages are configured in Hypertext mark up *language* (HTML) code, and the dependent claims are explicit about this. A web page accessed by a browser is clearly downloaded software. There is no guidance or support in the Disclosure as to a browser that can be used without downloading software during the process of access.

The browser itself and any other software applied by a user or in any layer of any service system, if not configured in hardware, can be installed and/or implemented from many sources, wherein the term "download" only implies that access is via a network at some point. There is no guidance in the Disclosure concerning the significance of the original source of the software used for access, and thus its download is not precluded.

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2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-43 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As to **claims 1-8**, the phrase "without downloading software" is ambiguous, unspecific, and unclear. [See above.] In the interest of compact prosecution, this phrase is given no patentable weight.

As to **claims 1-43**, it is not clear what is intended by "a database as a service," in view of the utility of any database. It is considered that all databases are managed to perform customer-based or user-oriented functions, and thus are a service. In the interest of compact prosecution, no patentable weight is given to this term.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 23-27 are rejected under 35 U.S.C. 102(a) as being anticipated by Bowman-Amuah (Bowman), US 6,289,382, 11 September 2001.

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Bowman is quite extensive, the claims are considered to be broad, and as a result, many aspects of the claims are taught repeatedly in Bowman. Thus the specific citations used to address claim limitations are to be taken as exemplary, not exhaustive.

As to **claims 23-24**, the general format of presentation layer, application layer, and DB layer was standard and common in the art at the time of the invention, and taught extensively by Bowman. [See COL 21 line 58 and after.]

In particular, the BACKGROUND places Bowman in an Internet environment, and discusses Applications accessed by means of Web browsers through a GUI (the UI of the claims) with a HTTP protocol, using HTML. [See also FIG 30.] Bowman is explicit about the goal of providing database services [TITLE; FIELD; SUMMARY]. The layering (tiers) of services including DB services is explicitly discussed at length [COL 33 line 7 and after]. The motivation for layering is addressed at COL 21 line 65 and nearby.

As to **claim 25**, Bowman explicitly addresses backup and recovery as well known standard procedures [COL 19 line 37,67; COL 74 lines 42-44].

As to **claim 26**, Bowman addresses a variety of commands at a number of levels. In particular, the BACKGROUND discusses the standard protocol in which commands from a web UI are further processed to retrieve data from a server, which acts as a database. Any database by its nature retrieves data (records) such as a document by use of internal commands, and thus has the function of combining the directive command with the retrieval commands. By the nature of the Web, the result is provided in the form of HTML code to the web server.

Claim 27 differs from the combination of 23-26 in very minor ways, if at all.

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4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-22, 28-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bowman-Amuah (Bowman), US 6,289,382, 11 September 2001.

As to **claim 28**, the aspects of Internet service technologies that place software in a variety of levels and thus do not require downloading in some sense are taught by at least in terms of Netcentric applications launched from a Browser [COL 36 lines 42-51] and architecture functions that perform services such as at database calls [COL 100, lines 52-54].

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Bowman addresses the use of schedules and prices in a number of ways, and the costs of developing, maintaining, and using services are discussed repeatedly. The components of technology services set forth at COL 19 lines 65-66 include a delivery schedule. The delivery of media is scheduled [COL 42 lines 24-34; COL 112 lines 51-57]. Prices are components of business applications [COL 100 lines 54-57]. Architecture reduces cost of service delivery [COL 20 lines 50-51]. See also COL 26 lines 12-19; COL 30 lines 38-44; COL 38 lines 7-21; COL 55 line 65 to COL 56 line 5; COL 113 lines 47-56; COL 123 lines 46-58; and elsewhere. The clear teaching is that services cost money in many ways and that cost is a basic component of the business of providing services.

Bowman does not explicitly state that database services are provided at an agreed-upon price and schedule, but clearly client and provider must agree implicitly or explicitly on price and schedule in order to create a business exchange. One application of this principle is set forth at COL 113 lines 47-56, where delivery costs may affect the transmission of reports. **It would have been obvious** to one of ordinary skill in the art at the time of the invention to deliver services with an agreed-upon price and schedule in order to promote mutual satisfaction in a business transaction.

The elements of **claims 1-8** are rejected in the analysis above and these claims are rejected on that basis.

As to **claims 9-22**, Bowman teaches the use of authentication, including passwords, at a number of places [COL 52, Security 1410, lines 16-60; COL 64 lines 3-7]. These citations note that well known prior art system include security.

Bowman does not provide the handshake details of the claims. It is considered that these are so well known in the art that inclusion of them into the Specification of Bowman is not required for enablement and would inflate the text unnecessarily.

Using **claims 9-12** as an example, these claims correspond to restricted access to a database using SQL statements from a window system. Microsoft Windows is a preferred embodiment [COL 10 lines 18-44]. The use of SQL is explicitly noted in conjunction with at least Oracle databases and Microsoft DB2, COL 49 lines 13-47.

It would have been obvious to one of ordinary skill in the art at the time of the invention to implement authenticated access to database services using SQL from Windows with standard handshaking steps as claimed because it is inefficient and costly to devise a customized system. There is nothing unique in the process steps and support as claimed.

The elements of **claims 13-22 and 29-43** are rejected in the analysis above and these claims are rejected on that basis.


5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wayne Amsbury whose telephone number is 703-305-3828. The examiner can normally be reached on M-TH 7-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 703-308-1436. The fax phone number for the organization where this application or proceeding is assigned is 703-746-7239.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-9700.

WPA


WAYNE AMSBURY
PRIMARY PATENT EXAMINER